

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTOINE L. SMITH : CIVIL ACTION

v. :

ROBERT SHANNON, et al. : NO. 07-0361

ORDER

AND NOW, this 10th day of May, 2007, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of Thomas J. Rueter, United States Magistrate Judge, it is hereby

ORDERED

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED without prejudice for failure to exhaust state court remedies; and
3. A certificate of appealability is not granted.

BY THE COURT:


HARVEY BARTLE, III,

Ch. J.